

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

R. Cathy Reardon, on behalf of herself)	
And all similarly situated individuals,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 08-1730
)	
CLOSETMAID CORPORATION,)	Judge Gary L. Lancaster
)	
Defendant.)	ELECTRONICALLY FILED

**JOINT MOTION TO MODIFY DEADLINES FOR
ISSUING NOTICE TO CLASS MEMBERS**

The parties, Plaintiff, R. Cathy Reardon, on behalf of herself and all similarly situated individuals, and Defendant, ClosetMaid Corporation ("ClosetMaid"), file this Joint Motion to Modify Deadlines for Issuing Notice to Class Members.

1. On January 23, 2012, the Court entered an Order directing, *inter alia*, issuance of notice to each class member on or after April 23, 2012. Prior thereto, ClosetMaid had been directed to produce names, addresses, and certain documentation of each class member by no later than February 16, 2012, and Plaintiff has been directed prepare the Class List by no later than April 2, 2012, giving ClosetMaid until April 23, 2012 to serve and file comments or objections to the Class List; class members wishing to opt-out of the class must main their request for exclusion no later than forty-five (44) days after mailing of notice.

2. Pursuant to the Court's Order, the Defendant produced more than 30,000 documents (more than 1,600 personnel files) electronically in early March 2012.

3. The Plaintiff has prepared a class list including the name, address, and social security number of each of the individuals identified in the aforesaid personnel files.

4. At the unsuccessful mediation in Pittsburgh between the parties on March 26, 2012, the parties learned that there were approximately 300 additional personnel files for individuals that fit either the class or the sub-class description during the period from the spring of 2009 through March 2012.

5. The Defendant delivered a box containing those files to Defense counsel on April 30, 2012. Defense counsel believes that they can convert the documents to electronic documents within 10 days thereafter. The Defendant has agreed to deliver the electronic files to Plaintiff as soon as possible.

6. In addition, although the March mediation with Kenneth Benson was unsuccessful, the parties did make progress and continue to negotiate.

7. When the Parties previously filed a Joint Motion to Modify Deadlines for Issuing Notice to Class Members on March 2, 2012, they were unaware of the approximately 300 additional personnel files.

8. The parties request a modification of this Courts March 5, 2012 order so that:

(i) Plaintiff shall complete the class list no later than June 14, 2012; and (ii) ClosetMaid shall have until Friday July 6, 2012 to serve and file comments or objections to the class list.

9. No prejudice will result to the parties nor to any class member, by granting this Motion.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

/s/ W. Scott Hardy

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Dated: May 7, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing SECOND JOINT MOTION TO MODIFY DEADLINES FOR ISSUING NOTICE TO CLASS MEMBERS was filed electronically on April ____, 2012. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ W. Scott Hardy
Counsel for Defendant